



**STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH SERVICES
RADIOLOGICAL HEALTH SECTION**

**GUIDE FOR OUT-OF-STATE LICENSEES
REQUESTING RECIPROCITY IN NEW HAMPSHIRE**

Please read the information and instructions before completing the attached form.

He-P 4030.18 of the New Hampshire Rules for the Control of Radiation (NHRCR) establishes a general license authorizing any person who holds a specific license issued by the United States Nuclear Regulatory Commission (NRC) or an Agreement State¹, and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, to conduct the same activity in New Hampshire if the specific license issued by the NRC or Agreement State *does not limit the authorized activity to specified installations or locations*. The complete pertinent regulation, He-P 4030.18, NHRCR, "Reciprocal Recognition of Specific Licenses," is attached for your reference.

You, the out-of-state licensee, must notify the New Hampshire Department of Health and Human Services' Radiological Health Section (DHHS/RHS) in writing at least 3 working days prior to engaging in licensed activities. You are required to submit an annual fee (NHRCR Part He-P 4070, "Fees for Certificates of Registration, Radioactive Material Licenses, and Other Regulatory Services"), Form DHHS/RHS-15, "Radioactive Material Reciprocity Application" (December 2015), a copy of your NRC or Agreement State specific license, and a copy of your operating and emergency procedures at least three (3) *working* days prior to engaging in each activity permitted under the general license established by He-P 4030.18, NHRCR. Send the completed documents to:

DHHS Radiological Health Section
ATTN: Radioactive Materials Program
29 Hazen Drive, Health & Welfare Building
Concord, New Hampshire 03301-6503

The DHHS/RHS will issue a "Certificate of Authorization for Reciprocal Recognition of Out-of-State Specific Radioactive Material License" upon receipt of the annual fee. In addition, a "Temporary Jobsite Authorization for Proposed Activities in New Hampshire under Reciprocity" will be issued for each approved activity by the DHHS/RHS. Both Certificates of Authorization are required before any work may commence in New Hampshire.

Please be advised that telephone notification alone is not acceptable. Reciprocity requests must be *in writing* on Form DHHS/RHS-15, and certified by original signature of the out-of-state licensee's official representative. A request received by facsimile ("fax") is acceptable, but only under these specific conditions: (1) that you, the out-of-state licensee, have notified the DHHS/RHS by telephone to alert us that a faxed request is being transmitted by you, and (2) that you will mail the *original* application within 48 hours of sending your fax. Facsimile transmissions must be sent to fax number (603) 225-2325.

The three (3) working day written notification requirement may be waived in circumstances where the public's health and safety could be endangered. Only for a *specific* case can you apply to the DHHS/RHS for permission to proceed sooner than the required notification of three (3) working days. The licensee must provide written justification to accompany the application explaining the specific situation.

If, after filing this application the licensee proposes to conduct activities in New Hampshire that are not specified in this application, or proposes to make any changes to the information already submitted, an amended Form DHHS/RHS-15 must be immediately sent by fax and then mailed to the address above. The DHHS/RHS will issue a revised "Temporary Jobsite Authorization for Proposed Activities in New Hampshire under Reciprocity" to reflect the requested approved changes.

¹ A state with which the NRC has entered into an effective agreement under subsection 274b of the Atomic Energy Act of 1954.

**INSTRUCTIONS FOR COMPLETING THE
RADIOACTIVE MATERIAL RECIPROCITY APPLICATION
FORM DHHS/RHS-15 (December 2015)**

In addition to your paid annual fee in accordance with the New Hampshire Rules for the Control of Radiation (NHRCR) Part He-P 4070, "Fees for Certificates of Registration, Radioactive Material Licenses, and Other Regulatory Services," your submitted request for reciprocal recognition of your out-of-state license for conducting licensed activities in New Hampshire must include the following.

Be sure to indicate if the submittal is a new application or a revision to an existing request.

RECIPROCITY LICENSEE INFORMATION	
Licensee Name	Official name of the licensee, as stated on the license document.
Mailing Address	Official mailing address as listed on the license.
License No.	License number of your specific radioactive material license. Submit a copy of your radioactive material license, with all subsequent amendments to date, and your operating and emergency procedures. Should your present license be under "timely renewal" by the licensing agency, you must provide a copy of the "timely renewal letter" to us that clearly indicates your license is still in effect. NOTE: If you have recently submitted to us a copy of your latest license with all amendments to date, is it not necessary to submit additional copies.
Issuing Agency	Name of the license issuing agency.
Contact Person	Name of the licensee's contact person.
Phone No.	Telephone number of the licensee's contact person.
Fax No.	Fax number of the licensee's contact person.
TYPE OF WORK TO BE PERFORMED	
Types	Indicate the type of work to be performed in New Hampshire from the choices provided. (You are reminded that your specific license must authorize you to conduct licensed activities at <i>temporary job sites without restriction to location</i> . Named multiple locations of use are <i>not</i> considered "temporary job sites" and would not allow you to conduct licensed activities in this state under the reciprocity provisions of He-P 4030.18, NHRCR.)
Overnight Storage Needed	Indicate <i>Yes</i> or <i>No</i> . If it is your intention to store licensed material in New Hampshire overnight, or for extended periods of time between shifts, include as an attachment: (1) a description of your proposed storage location and provisions you will take to ensure radioactive material is adequately secured and accounted for, including security and radiation safety procedures, and (2) a telephone number where user(s) may be contacted during non-working hours.
PERSONNEL	
Name of Person(s) Conducting Licensed Activities	The name of the person(s) who will conduct licensed activities in New Hampshire. (If such person(s) are not named on the license document, attach (1) proof of authorization by the licensing agency, or (2) if authorized by the user condition of your license, provide documentation showing the individual's official training and their designation as an authorized user by your radiation safety officer. ²)

² FOR INDUSTRIAL RADIOGRAPHERS ONLY: Current rules regarding industrial radiographic operations, adopted February 1999, require radiographers to be certified. However, in consideration of delays caused by certifying entities having to process large number of applicants wishing to take the certification exam, New Hampshire has adopted a policy similar to that of the U.S. Nuclear Regulatory Commission, as described in the last paragraph in NRC Information Notice No. 99-22. Therefore, along with your request for reciprocity, you must provide written verification that radiographers intending to conduct activities in this state are enrolled in taking, or have taken, the certification examination from an Agreement State or an independent certifying organization meeting the requirements of He-P 4034.

WORK ACTIVITY LOCATION AND SCHEDULE	
Contact Person	Provide the name of the customer's contact person (such as the site manager or maintenance manager) at the site or facility. If there is no site contact (such as construction sites), provide contact information for the person conducting licensed activities.
Phone No.	Telephone number where this contact person may be reached.
Client Name	Name of the licensee's client/customer.
Work Location Address	A complete and detailed description of location(s) where activities will be conducted. Include the street address or sufficiently detailed directions for an inspector to be able to locate the site. Include locations such as a building, facility, construction/work site, etc. Provide a map or diagram, if necessary.
City/Town	Name of the city or town.
Start Date	Specific date of starting work or storage. Note that the storage of radioactive material constitutes "use," for the purposes of accounting for working in the state.
Start Time	Time of starting work or storage.
End Date	Specific date of ending work or storage.
End Time	Time of ending work or storage.
EQUIPMENT	
Make	Name of the manufacturer of the device(s) that will be possessed, used, installed, serviced or tested in New Hampshire.
Model	Model number(s) of the device(s) that will be possessed, used, installed, serviced or tested in New Hampshire.
Serial No.	Serial Number(s) of the device(s) that will be possessed, used, installed, serviced or tested in New Hampshire.
SOURCES	
Source Serial No.	Serial Number(s) of the sealed source(s) that will be possessed, used, installed, serviced or tested in New Hampshire.
Isotope	Description of the type of radioactive material contained in each sealed source and device.
Activity (Curies)	Description of the quantity of radioactive material contained in each sealed source and device.
ADDITIONAL COMMENTS	
Supplementary information as necessary in support of this application.	
CERTIFICATION	
Signature	The <u>original</u> signature of an official authorized to sign on behalf of the licensee. The signature of your Radiation Safety Officer (RSO) is acceptable only if a letter from a company officer clearly designating this authority has been filed with the DHHS/RHS. Certify that the notification is true and complete, and the requirements of He-P 4030.18, NHRCR, have been read and are understood.
Name	Printed name of the official signing the application.
Date	Date the application was signed.
Title	Title of this individual must be stated, and should clearly indicate upper management status.

The DHHS/RHS retains the authority to request additional information to that outlined above. Should you have any questions concerning the requirements under reciprocity in the State of New Hampshire, or if you need additional guidance in completing this form, please do not hesitate to contact the DHHS/RHS' Radioactive Materials Program at telephone number (603) 271-4588.

He-P 4030.18 Reciprocal Recognition of Specific Licenses.

(a) Subject to He-P 4000, any person who holds a specific license from the Nuclear Regulatory Commission, an agreement state, as defined in He-P 4003.01 and issued by the agency having jurisdiction where the licensee maintains an office for directing the licensed activity and at which radiation safety records are normally maintained, shall hereby be granted a general license to conduct the activities authorized in such licensing document within this state, except in areas of exclusive federal jurisdiction, for a period not in excess of 180 days in any calendar year, provided that:

(1) The licensing document shall not limit the activity authorized by such document to specified installations or locations; and

(2) The out-of-state licensee shall notify DHHS/RHS as described in (d) below at least 3 working days prior to engaging in such activity and receive DHHS/RHS approval, except as provided in (e) below.

(b) DHHS/RHS shall grant the approval required by He-P 4030.18(a)(2) above when a general licensee meets all of the requirements under He-P 4030.18.

(c) The notification required by He-P 4030.18(a)(2) above shall indicate the location, period, and type of proposed possession and use within this state.

(d) The notification shall be accompanied by a copy of the pertinent out of state licensing document, a copy of the licensee's operating and emergency procedures, an annual fee as specified in He-P 4070, and a completed DHHS/RHS-15 "Radioactive Material Reciprocity Application" (December 2015) with the following certification:

"I hereby certify that all information provided in this application is true and complete, I have read and understand the provisions under He-P 4030.18, and I understand that activities, including storage, conducted in New Hampshire under this general license are limited to 180 days during any calendar year."

(e) If, for a specific case, the 3-day period required by He-P 4030.18(a)(2) above would endanger the public health and safety, the licensee shall request a waiver from DHHS/RHS to proceed sooner.

(f) The out-of-state licensee shall submit in its initial request for reciprocity the applicable New Hampshire annual license fee in accordance with He-P 4070.

(g) The reciprocity fee required by (f) above shall cover a period of one year.

(h) The requirement in (f) above shall not waive the requirement for filing additional written notifications during the remainder of the calendar year following the receipt of the initial notification from a person engaging in activities under the general license provided in He-P 4030.18(a).

(i) The out-of-state licensee shall comply with all:

(1) Applicable rules of DHHS/RHS; and

(2) Terms and conditions of the licensee's licensing document, except any such terms and conditions which are contrary to applicable rules of DHHS/RHS.

(j) The out-of-state licensee shall supply additional information, either telephonically or in writing, as requested by DHHS/RHS for the purposes of protecting public and worker health and safety and ensuring the safe use of byproduct sources within the state.

(k) The out-of-state licensee shall not transfer or dispose of byproduct material possessed or used under the general license provided in this section except by transfer to a person:

(1) Specifically licensed by DHHS/RHS, an agreement state or by the Nuclear Regulatory Commission to receive such material; or

(2) Exempt from the requirements for a license for such material under He-P 4030.03.

(l) Before byproduct materials are used at a temporary job site within the state at any federal facility, the jurisdictional status of the job site shall be determined by the licensee.

(m) If the jurisdictional status of a temporary job site within the state at a federal facility is unknown, the licensee shall contact the federal agency to determine if the job site is under exclusive federal jurisdiction.

(n) In areas of exclusive federal jurisdiction, the general licensee shall be subject to all applicable rules, regulations, orders and fees of the Nuclear Regulatory Commission.

(o) Authorization for possession and use of byproduct materials at temporary job sites under exclusive federal jurisdiction shall be obtained from the Nuclear Regulatory Commission by either:

(1) Filing a Nuclear Regulatory Commission Form-241 in accordance with 10 CFR 150.20(b); or

(2) Applying for a specific Nuclear Regulatory Commission license.

(p) Before byproduct material is used by a specific licensee at a temporary job site in another state, authorization shall be obtained from that state if it is an agreement state, or from the Nuclear Regulatory Commission for any non-agreement state, either by filing for reciprocity or applying for and obtaining a specific license.

(q) Notwithstanding the provisions of He-P 4030.18(a), any person who holds a specific license issued by an agreement state, or the Nuclear Regulatory Commission, authorizing the holder to manufacture, install, or service a device described in He-P 4031.04(c) within an area subject to the jurisdiction of the licensing body shall be considered by DHHS/RHS to have a general license to install and service such device in this state provided that:

(1) Such person shall file a report with DHHS/RHS within 30 days after the end of each calendar quarter in which any device is transferred to or serviced in this state;

(2) The report required by 4030.18(q)(1) above shall identify each general licensee by:

a. Name and address;

b. The type of device transferred; and

c. The quantity and type of byproduct material contained in the device;

(3) The device shall have been manufactured, labeled, installed, and serviced in accordance with applicable provisions of the specific license, or equivalent licensing document, issued to such person by the Nuclear Regulatory Commission, an agreement state, or a licensing state;

(4) Such person shall assure that any labels required to be affixed to the device under regulations of the authority which licensed manufacture of the device bear a statement that "Removal of this label is prohibited;"

(5) In the event that a label, as specified in He-P 4030.18(q)(4) above, is missing or damaged, such person shall affix a label in accordance with the regulations of the authority which licensed manufacture of the device; and

(6) The holder of the specific license shall furnish to each general licensee to whom the licensee transfers such device or on whose premises he or she installs such device a copy of the general license contained in He-P 4031.02.

(r) In accordance with RSA 125-F:10, DHHS/RHS shall withdraw, limit, or qualify its acceptance of any specific license or equivalent licensing document issued by another agency, or any product distributed pursuant to such licensing document, upon determining that such action is necessary in order to protect the public health and minimize the danger to life or property.

(s) A licensee to whom action has been taken as described in He-P 4030.18(r) shall be afforded a hearing within 15 days on application, in the form of a written request, to DHHS/RHS requesting such hearing.

(t) A hearing held relative to action taken under He-P 4030.18(r) shall be conducted in accordance with He-C 200.